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‘Lady Doctor among the “Called”’: Dr Letitia Fairfield and Catholic medico-legal activism beyond the bar

Alana Harris[†]

Senior Lecturer in Modern British History, King’s College London, London, UK

Abstract

Dr Letitia Fairfield’s admission to Middle Temple in 1923 is often a footnote in descriptions of her trailblazing career as a public health official and Catholic controversialist. Yet while she did not practise as a barrister, her legal formation, powers of oratory and fascination with jurisprudence were enduring legacies in a long and illustrious career. Whether providing intellectual resources to tackle the Eugenics Society or practical tools to adjudicate the relationship between remedial medicine and the State, Fairfield’s legal ethics were founded on her interpretation of the Judeo-Christian roots of the English common law. In her enduring jurisprudential commitment to the rights and dignity of the individual, Fairfield’s call to the bar was another aspect of her feminism and lifelong pursuit of the politics of conscience.

Keywords: Letitia Fairfield, Middle Temple, London County Council, Medicine, Catholicism

[†] Alana Harris alana.harris@kcl.ac.uk Room C3, East Wing Strand, London, WC2R 2LS, UK

Introduction

Under the leader ‘Rebel with Many Causes’, the *Irish Independent Times* covered Dr Letitia Fairfield’s lecture tour of Ireland in November 1957. Delivering three separate addresses to vastly differing audiences over consecutive nights – the Medical Missionaries of Mary (Drogheda), the (Irish) Medico-Legal Society, and the Women’s Graduate Association of University College Dublin – the newspaper offered a detailed character portrait of this indefatigable seventy-two-year-old and her breadth of expertise, praising:

The flashes of the rebel which brought her in her teens into the ranges of the suffragists and Fabianism. An outspoken woman, she does not believe that a spade becomes less of a spade by being buried in silence. ... Fiery in argument, she will carry the banner of controversy to the enemy, even out of the hands of her own team. She is incalculable without being mercurial ...¹

Similar reflections on Fairfield’s energy and lively intellect characterised the death notices offered in multiple newspapers and professional publications more than two decades later.² Douglas Woodruff, her friend, and former editor of the intellectual Catholic weekly *The Tablet*, opened his obituary by reflecting:

For over half a century, at any serious Catholic meeting in London, there was likely to be in the company one person who could be relied upon to make a spirited intervention ... while she was a trenchant speaker and a seizer of bulls by the horns, she was good-tempered and eminently fair-minded.³

Another Catholic newspaper concurred: ‘She was a woman of remarkable energy and a formidable opponent on the debating platform in an age when public debate ranked as one of the entertainments of the day’.⁴ A lengthy obituary in *The Times* outlined her distinguished career as ‘the first woman to become a London County Council (LCC) senior medical officer’, as well as ‘her interests cover[ing] a wide field’ and expertise mobilised by the Foreign Office, the Ministry of Health and the War Office (RAMC and ATS) in First and Second World Wars.⁵ Only in its penultimate paragraph did the tribute mention briefly her (there undated) call by Middle Temple to the bar – Fairfield’s legal proficiencies were subsumed within a piece testifying to her tireless public service.

Curiously, it was an obituary in the *Journal of the Society for Psychological Research* (an organisation with which Fairfield became actively involved on her retirement) that headlined her role – celebrated within this special issue – in the very first tranche of women to go to the bar. In an intimate eulogy, the intersections between her training as a Middle Temple barrister and ‘the brilliance, the learning, the quickness of mind and the trenchant wit that characterized her long career’ were acknowledged and interrogated.⁶

With such widespread testaments to her powers of oratory, her love of adversarial debate and her passionate embrace of progressive politics, why did Fairfield not proceed from her call to the bar on 26 January 1923 to a stellar career as a barrister? How did her legal training contribute to her long career in public health, feminist politics and Catholic controversy? And was the law, as a discipline but also a profession synonymous with status and ‘the establishment’, an essential yet underappreciated buttress to Fairfield’s formidable career as one of the leading civil servants and public intellectuals in interwar Britain?

This article attempts to answer some of these questions. Moreover, it constitutes the first sustained exploration of the intersections between Letitia Fairfield’s noteworthy career as a medical bureaucrat and her unnoticed presence within the first generation of women lawyers. It contends that Fairfield’s classification as a ‘quasi-lawyer’ (given that she did not practise after admission) underestimates the importance of her legal training and the ways in which she used it in her professional responsibilities and personal politics.⁷

Far from a minor footnote in her pre-eminent career as a public health professional, Fairfield’s engagement with legal frameworks and jurisprudence was central to her professional identity and activism. It shaped her forthright sparring with the neo-Malthusian orthodoxies of the day and the (narrowly avoided) swing in interwar Britain towards the ‘positive eugenics’ of voluntary sterilisation. Reading for the bar was complementary to her enduring interest in the relationship between medicine and the remedial powers of the State (especially around delinquency and mental degeneracy). In the end, it resulted in her enduring fascination with criminal law and the rules of evidence.

Finally, given her passionate investment in her Catholic faith, a thorough knowledge of the intricacies of the common law (and its Judeo-Christian foundations, as she historicised it) sustained Fairfield’s efforts across a dizzying array of public

platforms to articulate a clear and robust medico-moral code. This would lead her into public controversies on issues such as birth control, homosexuality, and the laws of insanity. Within these fields, she was a passionate advocate for an understanding of rights as inherent to human nature (i.e. as ‘natural law’) and as a sure guide to adjudicate plans for law reform or the dispensation of justice. In Fairfield’s own estimation, far from being a ‘rebel with many causes’, her life’s commitments, civil service and legal interests were bound together by a politics of social service and passionate conscience.

Portrait of a pioneering ‘quasi-lawyer’

Considering her contributions to the field of public health, her place amongst the very first women called to the bar in England and her involvement in some of the most prominent social issues of the century, Letitia Fairfield has received surprisingly little scholarly attention. She is briefly sketched in a survey entry in the *Oxford Dictionary of National Biography*,⁸ has garnered an occasional mention in the histories of women’s involvement in the medical profession,⁹ and is named-checked, without sustained analysis, in scattered and disparate historiographies.¹⁰ Even more surprisingly, her ‘legal career’ has evaded *any* sustained analysis. Some of the explanation for this might vest with Fairfield herself. In a life history interview – focused admittedly on her suffrage activism and the interwar birth control movement – the ninety-two-year old did not mention her time at the Inns of Court nor the ways in which her legal knowledge informed her medical administration or activist politics.¹¹

So what led Dr Josephine Letitia (Lettie) Denny Fairfield to seek admission at Middle Temple alongside Doherty, Bright Ashford, Campbell and nine others in January 1920?

Born in Melbourne in 1885, Letitia was the eldest of three daughters to Charles Fairfield, a Kerry-born journalist for the *Argus* newspaper, and Isabella MacKenzie, a Scottish musician – whom he had met en route to Australia following his entrepreneurial adventures in Colorado.¹² Described by her youngest sister, Cicily Isabel (Cissy) (1892-1983) – better known as the esteemed novelist Dame Rebecca West – as a ‘very pretty little girl with golden hair and blue-grey eyes, an exquisite

complexion, a sweet and serious voice and a gentle air which captivated adults',¹³ Fairfield was her father's favourite.

Charles' gambling, philandering and impecunious circumstances (explained by the later discovery that he was supporting another family in America) nevertheless placed considerable strain on their relationship into her teenage years.¹⁴ On the family's return to Britain when she was around three years of age, and following a brief sojourn in Glasgow, Fairfield grew up in Streatham and then Richmond (where she attended Richmond High School for Girls) in a middle-class if not stable family.¹⁵

These cultivated but fluctuating and financially precarious circumstances were catastrophically altered when Charles abandoned his wife and daughters in 1901.¹⁶ Subsequently, Isabella took her children back to her family in Edinburgh, where Fairfield completed her secondary education at George Watson's Ladies College.

Years later, West captivantly dramatized the impact of an intellectually brilliant, charismatic but feckless father who disgraced his wife and three daughters, and the drama of sibling rivalries in a London suburb in her semi-autographical, best-selling novel *The Fountain Overflows* (1957). This revealing and intimate portrait caused Fairfield considerable distress upon its publication,¹⁷ not least because of the highly embellished, unflattering depiction of herself which was unmitigated by a seemingly affectionate dedication on the book's opening pages. Within the novel, the eldest sister 'Cordelia' is characterized as priggish, self-righteousness, ambitious and overbearingly bossy by West's cipher/narrator 'Rose'.¹⁸ West had also used Fairfield and her character portrait as a dramatic foil in earlier, quasi-autobiographical family vignettes.¹⁹

The Fairfield family's impecunious, downwardly mobile circumstances threatened to scupper Letitia's teenage aspirations to a medical career, but the award of one of the first Carnegie scholarships and a gift of £100 from an aunt (also fictionalized by West)²⁰ allowed Fairfield to enter Edinburgh Medical College for Women. There she won first prize in clinical surgery and several academic medals,²¹ before graduating MB ChB in 1907.

Her clinical training in a number of temporary posts afterwards seem to map the professional interests she retained throughout her long medical career. These encompassed 'mental deficiency', maternal mortality, paediatrics and hospital

administration.²² She was awarded her MD from the University of Edinburgh in 1911 at a time when there were only around 600 registered female physicians in the United Kingdom.²³

On completion of her studies, Fairfield moved back to London, taking a house in Hampstead Garden Suburb with her mother and sisters. She gained a diploma in public health from the University of London and assumed a full-time position as a medical assistant at the London County Council (LCC) – where she would work until 1948. As a young doctor inspired by her experiences of sex discrimination as a female medical student, Fairfield campaigned passionately for women's suffrage but chiefly through oratory and advocacy rather than demonstrations and militancy.²⁴ She was a member of the Women's Social and Political Union (WSPU), the Vice Chairman of the Executive Committee of the (Anglican) Church League for Women's Suffrage,²⁵ and a member of the Executive Council of the Fabian Women's Group from 1913 - 1924. While offering her medical services (alongside continuing her suffrage activism) from the outbreak of the First World War, Fairfield was appointed Medical Controller of Queen Mary's Army Auxiliary Corps in 1917, and then Chief Medical Officer to the newly established Women's Royal Air Force. Her success in this role and contribution to the war effort were recognised by the award of a CBE on 10 October 1919.²⁶

Upon Royal Assent to the Sex Disqualification (Removal) Act in December 1919, and at the age of 34, Fairfield paid £140 7s 6d and filed her admission form to Middle Temple on 7 January 1920.²⁷ Character references were provided by Dr James Kerr (her medical superior at the LCC and former Director of Medical Services at the Air Ministry),²⁸ and the controversial barrister and King's Bench Sir Henry McCardie signed her proposal.²⁹

Her motivations, as a well-established and highly qualified public health administrator, can only be surmised, and there are no explicit traces within the archival record explaining her decision to read for the bar. Given the premium placed on access to the legal profession within suffrage circles (including her close acquaintance with Christabel Pankhurst),³⁰ Fairfield's express feminist commitments and her professional ambitions within a still largely male professional sphere provide some likely explanations. In a recent interview with Fairfield's great-niece, perhaps vested in family folklore, her aspirations included acquiring confidence in 'the right

legal basis to be able to tackle MPs ... She took it as a definite weapon for her LCC work.³¹

It is certainly clear that Fairfield's legal background formidably equipped her in her frequent appearances as an LCC medical expert before criminal magistrates³² – and as one such quipped in a public meeting:

I should be very loath to believe that any magistrate would “bully” Dr Fairfield, as she has boldly suggested! ...I can scarcely conceive that any of my colleagues, whom I respect so much, would endeavour to perform such an impossible and improper task.³³

As will be explored later, this legal formation undoubtedly augmented her formidable administrative skills, as well as grounding her policy initiatives on the advent of State medicine which required express consideration of elements of medico-legal jurisprudence.

Fairfield seems to have enjoyed and excelled in her bar exams. She consistently attained upper second class marks for all her papers – *The Times* publication of examination results indicated that she and Ethel Bright Ashford (with the top result of the term) were amongst a small cohort to attain a Class II in Roman Law.³⁴ In Constitutional Law and Legal History, she shared a Class II distinction with fellow Middle Temple student Charlotte Bruce.³⁵ From records of her final results in Hilary 1923, she obtained impressive marks for Common Law (108), Equity (119) and Evidence and Civil Procedure (109), and solid marks on the General Papers (I=41; II=48 and III=42). Alongside exemption for two terms study,³⁶ her combined total of 467 marked her as the first candidate in Class 2 and the highest scoring woman (though Audrey Clara Haverson was not far behind with her 463).³⁷ The Ulster Unionist Lord Carson officiated at her call night on 26 January 1923,³⁸ and a newspaper report of this novel event under the quaint title ‘Lady Doctor Among the “Called”’ recounted that the ‘ladies dined at the centre bench usually allocated to them ... but a few of the ladies dined among the general body of members of the Inn, including Dr Fairfield who had a couple of male barristers in her “mess”’.³⁹ Here is further evidence of Fairfield's public confidence in male-dominated spheres,⁴⁰ including on public platforms, at medical and ecclesiastical conferences and through friendships formed around military barracks.

When she was reading for the bar, Fairfield's address was 14 Gray's Inn Square and she continued to reside in the legal quarter until the Blitz forced her to relocate from 1 Raymond Building's, Gray's Inn to 60 Beaufort Mansion, Chelsea (her home for the remainder of her life). Colleagues from Middle Temple, such as Richard O'Sullivan, Benchet, KC (and fellow Catholic) remained intimate friends and collaborators in the decades following.⁴¹

Yet amidst this professional success, this was also a period of intense personal tumult for Fairfield – her mother (whom she was nursing) died in 1921,⁴² and for a variety of intellectual and emotional reasons explored below, she converted to Roman Catholicism.⁴³ As a single woman – she never married and, in any event, the marriage bar for LCC medical staff was still in place until 1935⁴⁴ – she needed a stable and reliable level of income. Considering her hard-won expertise in the field of public health and a recognised aptitude for leadership in the civil service, to embark on a new career at the bar with an uncertain caseload would likely have been a perilous and unpromising path. The multiple avenues and varied opportunities for advocacy already available to Fairfield 'outside the law' were to prove sustaining and sufficiently satisfying arenas for her sharp legal mind.

Catholic medico-legal activism

At the same time as Fairfield was revising for her bar exams, she was also receiving instruction for her conversion to Roman Catholicism and was admitted to the Church nearly contemporaneously.⁴⁵ This was an unexpected and seemingly extraordinary decision given her committed Anglicanism (she authored a paper on women's ministries for the 1920 Lambeth Conference),⁴⁶ her progressive politics and the bohemian company she sometimes kept (including Fabian notables like the Webbs, George Bernard Shaw and – by dint of her sister Rebecca's tumultuous relationship – H. G. Wells).

As her niece later described, in outlining the dismayed reaction of her family, a stigma still attached to Catholicism as a religion of superstition, reactionary morality and the Irish peasantry.⁴⁷ In her own public account of her conversion many decades later, she prioritised a growing emotional conviction and a discovery that 'this was my spiritual home'.⁴⁸

Unsurprisingly, though, the intellectual impulses for Fairfield were also strong, including a reaction to her adolescent ‘embrace of scientific materialism in the fullest sense’ marked by a consumption of Rational Press Association (RPA) publications, including those of Darwin, Huxley, Russell and Wells. As she humorously told a West End crowd in 1946: ‘I am a R.P.A. convert to the Catholic Church’.⁴⁹ In outlining the various catalysts to her decision, she also identified ‘the Irish Rebellion’ (and her exposure to the Mass during her internship in Dublin), alongside ‘the feelings of responsibility created by her professional duties in changing times’.⁵⁰

From 1920, these ‘professional duties’ encompassed her training as a barrister as well as her growing responsibilities as a medical officer for the LCC. It is in the field of medico-legal ethics and jurisprudence that the synergies and legacies of her interest in legal advocacy remain most visible.

Perhaps the clearest example of Fairfield’s interweaving of medicine, law and an embrace of ‘natural law’ (as a consequence of her Catholicism, namely a philosophy of legal positivism tracing back to the jurist Thomas Aquinas)⁵¹ is in the field of her fervent and enduring opposition to neo-Malthusianism. As she surmised in an interview towards the end of her life, ‘my real enemies were the eugenicists’,⁵² and it was in contesting the presumed verities of this pseudo-science that Fairfield played a pivotal part in the evolution of state-based health provision in the interwar period.

Upon her appointment as Senior Medical Officer at the LCC in 1929, Fairfield assumed control of the Poor Law Board hospitals and through this role consolidated her widely-acknowledged national expertise in obstetrics and maternal health.⁵³ In this newly-created leadership role, she was also responsible for implementation of the Ministry of Health’s directive that birth control advice may be given at mother and baby clinics subsidised by local authorities.⁵⁴

Fairfield’s sophisticated analysis of the medico-legal debates and dilemmas raised by the State’s increasing adjudication of bioethical questions was mobilised in a flurry of publications in the late 1920s,⁵⁵ and most famously in a heated exchange in the feminist weekly, *Time and Tide*, on ‘The Population Problem’.⁵⁶ There the famous American reproductive rights campaigner, Margaret Sanger, joined the debate to argue forcefully:

Any intelligent analyst must admit that to-day there are too many of the wrong kind of people in our world ... [Birth control will enable] drawing a line between the worthy, intelligent and self-respecting types of parenthood among the poorer classes ... Sterilisation will undoubtedly become necessary ... Ultimately such work would relieve the State from the delinquent and dependent, from the deadweight ...⁵⁷

In an immediate response within the same issue, Fairfield systematically considered birth rate statistics amongst the working classes and forensically analysed official figures on the percentage of the population who were criminals, insane, or part of the 'dependent class' most targeted by British eugenicists.⁵⁸ Summing up her contentions under the title 'The Need for Birth-Controller Control', she concluded:

In her efforts towards the perfecting of the nation, Mrs Sanger is therefore going to produce two great classes (a) a body of married people (possibly the bulk of the population) all taught to deprive themselves of natural marital relationships, and all bent on mutilating their unfortunate fellow-creators ... (b) a great number of sterilized epileptics, ex-lunatics, mental defectives, criminals and unemployed wandering at large in the community.

I say with all reverence that I hope I shall be dead before that era dawns.⁵⁹ For Fairfield, State medicine should play a role in raising the health and wellbeing of the nation,⁶⁰ but not at the expense of foundational human rights and without close consideration of the bioethical consequences of legislation on reproduction. In a summation of her position in 1926, melding maternal feminism, scientific rationality and Christian theology, she contended:

The community has hardly made a beginning in using the great resources of science and education to lighten the psychical burden of maternity ... [and] provide a decent environment for the child. These are hard tasks for any State, and they can never be achieved by man having no God but "Humanity" ... It can be done if women, citizens now and rulers as never before of their own destiny, will remember that the curse of bareness is a worse thing than the curse of Eve. A community so inspired will realise that the State and its members are better employed in making the world fit for children, than in keeping children out of the world.⁶¹

The equal rights of citizens and the protection of those with 'deficiencies' (for example, epileptics with whom she did so much work)⁶² emerge as overriding

priorities for Fairfield. This was especially so in the context of increasing calls for 'positive eugenics' in interwar Britain, culminating in the 1934 Voluntary Sterilization Bill against which she campaigned indefatigably.⁶³

As she presciently explored, with the rise of National Socialism on the continent, the 'notion that a select group of citizens has the right to eliminate such of their fellow citizens who do not come up to an arbitrary standard of "fitness" is purely a pagan one.'⁶⁴ In a study presenting the case against birth control within one of the increasingly prevalent guides for those about to marry, Fairfield accused many middle-class advocates of condescension and snobbery, suggesting:

that a woman who produces a large family in conditions which appear to a richer person as squalor ... may not necessarily be of inferior intelligence to her neighbo[u]r, who prefers the aspidistras and lace curtains of respectability.⁶⁵

As she concluded:

It is possible to have the deepest sympathy with slum dwellers, and yet to believe that the proper solution to overcrowding is more houses and not fewer children. It seems to some a poor sort of philanthropy which hands a woman a rubber pessary and sends her back to her squalid basement dwelling.⁶⁶

For Fairfield, her work in State-based health provided a perfect arena for adjudication of these thorny legislative, medico-moral issues and the advance of maternalist feminism.⁶⁷ Whether through the debating platform, parliamentary lobbying or policy work on administrative procedures, she found an ideal forum for her unique combination of medical, legal and oratorical skills.

At times, Catholic bishops might also feel the full force of her incisive legal mind and theologically-inflected reflections.⁶⁸ One prominent example was the modification of Fairfield's early antagonism towards contraception in the late 1930s. This change was prompted by a study tour of Malta and the reactionary attitudes of the clergy in the British colony to women's health and maternal mortality.⁶⁹ She communicated her feminist convictions and changed position directly to Bishop Mikiel Gonzi of Gozo, stating that 'a woman has something better to do with her life than to be a corpse factory'.⁷⁰ These enduring sentiments would also lead her, two

decades later, to write to the Archbishop of Westminster protesting against the papal ban on the hormonal contraceptive pill.⁷¹

Fairfield's overriding commitments to the protection of life and the advancement of human flourishing drove her tireless efforts in medicine, state-based health provision and the service of religion (which were recognised with a papal medal, *Pro Ecclesia et Pontifice*, in 1965). These intertwined philosophies were encapsulated in a speech she gave at a medical congress for Catholic doctors held in the Netherlands in 1956. The long-retired but resolutely active seventy-one-year-old Fairfield gave the keynote speech on 'Medical Law in the field of Collective Medicine'. In her concluding remarks, she articulated her overarching convictions regarding the contributions that Catholics should make to public policy:

I have little space for the most important point of all – i.e. that Catholic influence on medical law should be constructive as well as destructive. If on a matter of principle we have to oppose certain supposedly humanitarian measures, the obligation on us is all the greater to devise or support licit schemes designed to the same ends. In England, for example, we have little to show in counter-section against the Family Planning Clinics. Behind very solid and realistic schemes for helping mothers and families, for improving health education, for raising the standard of medical treatment, for bringing psychological aid to the sick in mind, should stand Catholic brains, Catholic enthusiasm, Catholic prayers. ... [we must] direct our forces to wipe out a real reproach.⁷²

In her attempts to 'devise ... schemes' for 'humanitarian measures' and preventative medicine, Fairfield employed her robust legal training (specialising in 'medical law'), her decades-long expertise in public health administration but also, crucially, her Catholic commitment to ameliorative action.

'Natural law' and Christian jurisprudence

In an oral history interview just a year before her death, Fairfield reflected on 'the birth control business' and the modification of her stance on contraception, going on to explain: 'I was too much taken with the idea of the Natural Law which I now have ceased to believe in'.⁷³ Despite this seeming recantation in her old age, Fairfield's philosophical commitment to natural law – namely the discernment of certain rights as inherent in human nature, endowed by God and discernible by human reason –

provided a foundational framework, linking together her medico-legal interests, her feminist advocacy and her civic activism.

It is therefore unsurprising that her first, post-admission foray into the Medico-Legal Society – a learned gathering of medical practitioners and lawyers formed in 1901, and meeting regularly at Mansion House – was to participate in a discussion on ‘Nature versus Law’.⁷⁴ Fairfield would remain a member of the Medico-Legal Society for decades following, emerging as a lively discussant on matters as diverse as juvenile delinquency,⁷⁵ suicide (and sin),⁷⁶ medical experts in British and French Courts,⁷⁷ and abortion – on which she ‘vigorously’ articulated an unabashedly Catholic position (supported by fellow Christian members Dr McCann and Professor Dame McIlroy).⁷⁸ In a lengthy and controversial commentary on termination of pregnancy, in which she clashed with the President,⁷⁹ Fairfield condemned shifting middle-class acceptance of abortion as the ‘ethics of the slum ... spread up to the West End’.⁸⁰ In a summation of her natural law ethics (linked to anti-Malthusianism) but also vested in her understanding of her Hippocratic oath,⁸¹ she contended:

the child is not a parasite living on the mother, but a symbiosis from the commencement. The child has as much right to life as any other human being, and hence those who attack it must justify themselves, and not lead for the topsy-turvy view to be put forward: “I have been trying to preserve the mother of the unborn child”.⁸²

Given her herculean efforts across the course of her career to reduce maternal mortality, Fairfield was unwilling to have the respective value of mother and infant rhetorically played off against each other.⁸³

Fairfield’s feminist credentials and her liminal status within still highly-masculine establishment circles were, however, best illuminated by the first paper she read before the Medico-Legal Society in 1927.⁸⁴ Within a survey piece that considered the psychological and physiological ramifications of menstruation, pregnancy, childbearing and menopause, Fairfield’s overarching argument was:

to [these] process[es] have been attributed by “scientific” authorities the most far-reaching effects on the health, character, temperament, intelligence and judgment of women. It has been used as an argument for excluding them from every sort of new activity and even from the franchise. If one-half the statements confidently made in certain text-books were true, the inevitable lack of responsibility in women ought to find definite expression in the penal code, for they should

certainly be exempt from punishment. An examination of the facts revealed by physiological research shows, however, that the monthly rhythm has only a trivial effect at most on bodily chemistry, on blood pressure, pulse rate, temperature, etc.⁸⁵

The discomfort of the (mostly male) audience remains palpable in the written record – from Lord Riddell’s opening disclaimer of any ‘special knowledge on the subject’,⁸⁶ culminating with longstanding member Dr Finucane’s deliberate and misogynistic misunderstanding of Fairfield’s contentions:

After listening to the brilliant paper of the learned lecturer, we must, as men, feel how little who know of women. We medical men have been shown, in exhaustive details, the more profound changes which we have suspected, and have fathomed but imperfectly. From this paper, together with my experience of life and the medical profession, I derive the lesson that this serious of continuous storms – call them what you will – physiological, psychological, or pathological, render women incapable of fulfilling the role in life that the modern movement of sex independence demands ... The lecturer cannot have it both ways, for depicting as she does the difficulties and stresses of the changes which go on at puberty and afterwards, it does seem inconsistent with the claims made on behalf of women to enter man’s sphere in the world and life. Such is not the role I visualise and devise for women. I seriously suggest that owing to their physiological, psychological and sex reactions we mere men should keep them on a pedestal ... [as they] demand the protection and care of a more sheltered life and work.⁸⁷

The official report, after all the discussants’ comments (some of which were more directly to point) merely records ‘DR. LETITIA FAIRFIELD replied’.⁸⁸ We are left to surmise on how and in what undoubtedly forthright terms. The hostility encountered by Fairfield and her contemporaries entering ‘man’s sphere in the world’ – be that the operating theatre or the courtroom – are encapsulated in these exchanges. While ‘natural law’ provided a guiding principle in Fairfield’s thinking, nineteenth-century pious renderings of this philosophy to construe women’s delicate feminine character or reinforce ‘separate spheres’ ideology were jettisoned in her appeal to rationality and scientific truths.

While Fairfield was committed to refashioning some aspects of the bourgeois and Evangelical Christian values undergirding the Victorian English legal system – for example welcoming, alongside her friend Helena Normanton, a paper from Florence Earengay JP on the changes in women’s legal status⁸⁹ – her feminism continued to be grounded in the existing and ‘respectable’ sexual order.

While she never married, Fairfield remained wedded to traditional valorisations of reproductive heterosexuality and her work on obstetrics, coupled with the negotiation of her sister's societal difficulties with her illegitimate son,⁹⁰ reinforced her ideological commitments to marriage and the family.⁹¹ In common with Normanton – who shared her Freudian analysis of lesbianism as infantile, sustained by emotional immaturity and profoundly anti-social – Fairfield's extensive studies of homosexuality in women reflected this conservatism. In an extensive discussion of the issue at the Medico-Legal Society in 1947, she and Normanton concurred in condemning same-sex attraction, distinguishing between schoolgirl infatuations (and their naïve and passing nature) and 'continental forms of [lesbianism] which were increasing in London at the moment' and 'promoted by men and run as a source of profit ...[from] houses in some of the most expensive and aristocratic quarters in London.'⁹² Fairfield's acknowledged expertise on homosexuality was longstanding, stemming from her social investigatory efforts to survey women involved in prostitution in wartime London.⁹³ Sociological evidence was also prioritised in her commentary on a paper on 'the Sex Offender', leading her to reflect on interwar Piccadilly's nightlife and the economic causes of (male) homosexuality (whether committed in public or private).⁹⁴

Fairfield's legal, medical and practical expertise in this field was crucially mobilised in her outgoing role as Chief Medical Officer (and Lieutenant Colonel) of the Women's Auxiliary Territorial Services in 1943. Under the title 'A Special Problem', Fairfield wrote a (secret, but authoritative) policy paper on lesbianism within the Women's Services. Within it, she recommended that the Army should downplay aspersions of same-sex desire manifest in sartorial choices or even sharing beds (which some volunteers might be accustomed to through circumstances of poverty) and only act on cases in which there is 'definite evidence'.⁹⁵

Much the same advice was replicated in her article in the *Medico-Legal Journal*, alongside a companion piece on male homosexuality,⁹⁶ in which she declaimed the more tolerant, 'modern attitude' to 'perverted love' and refuted that a relaxation of the law or social stigma would 'lead to the happiness of individuals'.⁹⁷ Cautioning against moral panics as conscious, persistent lesbianism was 'rare', whilst maintaining that 'affectionate friendships between women are not only natural, but part of a balanced and happy life',⁹⁸ Fairfield's opening gambit was nevertheless trenchant and dogmatic:

Many discussions on homosexuality are gravely vitiated by a failure to realise that it is impossible to help the homosexual without a clear preliminary agreement that (a) society is right in condemning homosexual activities, and (b) is justified in supporting this condemnation – in the case of persistent offenders of responsible age – by the usual sanctions of social ostracism and legal penalties.

Omitting the specifically Christian arguments, it would appear obvious that society cannot afford to come to terms with a way of life which diverts into sterile channels the very force upon which its continued existence depends.⁹⁹

A decade later, when the Report on Homosexual Offences and Prostitution delivered its findings (and Sir John Wolfenden paid ‘special tribute to the contribution which the Catholic authorities had made to the problem of homosexuality’ in recommending decriminalisation and a distinction between sin and crime),¹⁰⁰ Fairfield’s long-held position on male and female homosexuality was unchanged. In a lengthy correspondence in *The Tablet*, Fairfield drew attention to the Wolfenden Commission’s sole dissenting opinion (from James Adair, the Scottish lawyer and Church of Scotland elder) to conclude:

One would much prefer to support the Committee’s recommendations (who would not rejoice in relieving the distress of men caught in such a wretched dilemma?) but [the reformers have not] ... answered Mr Adair’s arguments adequately. It is not, as they suggest, that one fears that the removal of sanctions would “open the flood gates” but that it would allow scandalously corrupting situations to arise, which there would be no means of controlling ... far too many of our fellow citizens cheerfully assume that if a thing isn’t expressly forbidden it can’t be very wrong.¹⁰¹

Fairfield’s criticism of the proposed legal reform drew a sharp response from fellow Catholic (and Inner Temple barrister, later High Court Justice) Richard Elwes. His eloquent but acerbic intervention accused Fairfield of ‘callousness’ in view of the disproportionate effect of the law on male suicide rates and public shame, while detailing its ‘grossly inequitable’ and ‘ineffectual’ operation.¹⁰² He bluntly concluded: ‘Dr. Fairfield’s article shows how even a superior and sensitive intelligence can accept what would not be tolerable if we were not accustomed to it’ and stressed ‘the formidable body of opinion, theological, medical, sociological and legal, which has found expression in ... Cardinal Griffin’s committee’.¹⁰³ Fairfield’s rejoinder was

similarly spirited, and opened with a reflection on this little-known advisory board which she acknowledged as ‘authoritative’ while maintaining:

Anything further in their report was of course only an expression of the personal opinions of the members. How could it be anything else? The problems of the secular control of homosexuality or prostitution have never even been discussed by Catholics as a body; the attitude of the Church has varied enormously in different countries and different ages, and it is extremely improbable that British Catholics would agree about the legislation [being] desirable. The matter can therefore surely be discussed without imputation of *lese majesty* or disloyalty.¹⁰⁴

The correspondence between the two rumbled on,¹⁰⁵ yet *The Tablet* in its December editorial agreed with Fairfield on ‘the [undesirable] social effects’ of decriminalization which might also include ‘an immediate campaign to get rid of the social disapprobation as well.’¹⁰⁶

There were, however, other forms of social disapprobation and legal reform that Fairfield tackled affirmatively and with her characteristic energy and intellect.¹⁰⁷ Throughout her lifelong involvement with the Medico-Legal Society, she maintained an active interest in ‘female deficiency’,¹⁰⁸ the psychological basis for juvenile delinquency,¹⁰⁹ and the criminal defence of insanity.¹¹⁰

In 1929, around the time she led the LCC’s centralisation of the Poor Law Board hospitals, Fairfield attended a Society lecture on the experiences of Medical Witnesses in Court.¹¹¹ In the subsequent discussion, she directly raised the so-called M’Naghten rule – which allowed for a criminal defence if the accused was:

labouring under such a defect of reason, from disease of mind, as not to know the nature and quality of the act he was doing; or if he did know it, that he did not know he was doing what was wrong.¹¹²

Fairfield’s response to the paper was to differentiate the qualitatively different definitions of ‘insanity’ operational in the medical as opposed to the legal field:

It is very striking that in all the discussions of the M’Naghten Rules this question of the fear of impulsive insanity should invariably be raised. This diagnosis is not a medical one but a lawyer’s; it is made in a solicitor’s office and the prisoner’s friends and legal advisers then go up and down Harley Street trying to find someone to support it. Those of us who actually have to do with the insane and defective and hear the opinions of psychiatrists among themselves and those given by most expertise in the box, know perfectly well that it is not a diagnosis understood in psychiatry.

It is not accepted as a scientific piece of evidence, and I rather fancy that once the M’Naghten Rules are changed and once one or two experts who now appear in every such case have faded into obscurity, it will be cleared out of the way.¹¹³

Clearly drawing upon her own experience as a medical expert witness, or those of LCC colleagues,¹¹⁴ Fairfield not only advocated for a closer alignment of medico-legal epistemologies, but also for broader societal acceptance of the expertise offered by psychiatry. In a searing indictment, she dismissed juries who would not dream of forming their own opinions on ‘consumption’ yet were stubbornly resistant to the advice of the ‘mental expert’ and would readily substitute their own assessments on insanity.¹¹⁵

The longevity of her interests in this interdisciplinary interface, and her public comments in *The Times* on the M’Naghten rule and the *Staffen* case,¹¹⁶ led her to produce a volume on these issues in the *Notable British Trials Series*.¹¹⁷ This infamous trial concerned the murder of four young girls in Berkshire by a ‘certified medical defective’ who had escaped from Broadmoor psychiatric hospital and who was acquitted on the grounds of mental deficiency. In a final commentary within the Introduction, Fairfield and her co-author concluded that the trial demonstrated ‘the urgent need for a change in the law concerning mentally defective prisoners charged with murder’.¹¹⁸ The authors were mindful of the recent *Report of the Royal Commission on Capital Punishment* (1949-53) and the evolution of the doctrine of ‘diminished responsibility’ in Scottish law. They advocated for amendments to rupture the false dichotomy between ‘normal’ and ‘insane’ and to recognise ‘the hosts of mentally abnormal people who come in between the extremes of sanity and complete mental disorder.’¹¹⁹

The *Staffen* case was neither Fairfield’s sole nor even first publication within this prestigious legal series on highly publicised criminal trials. While Helena Normanton had edited a volume in 1931 on the hanged ‘Blazing Car Murderer’,¹²⁰ Fairfield tackled William Joyce (aka Lord Haw-Haw) in 1939 – although her volume was replaced in 1946 with a fuller account of his treason trial and hanging.¹²¹

In a similar vein, she also edited another volume in 1953 on the IRA Coventry bombing which killed five people and injured around sixty others.¹²² Fairfield’s longstanding Irish nationalist sympathies – towards the end of her life she spoke of her ‘great disgust’ at being called to the bar by Carson¹²³ – were on display in an

Introduction which contextualised this terrorist act against the background of ‘the eight-hundred-year-long struggle for Irish independence’, the nineteenth-century Fenian Dynamite Campaign and historic anti-Catholicism in Britain.¹²⁴ Here again, Fairfield’s interests in criminology (termed in this instance as ‘ideological homicide’) undergirded her detailed explorations of this legal precedent and doctrines such as ‘common purpose’.

Fairfield’s work on the Joyce and Barnes volumes – penned in her retirement from public office – expanded out her interests to encompass the nature and operation of the British State. Controversial topics arousing heated social disapprobation or even condemnation – abortion, homosexuality, insanity, treason, terrorism – remained grist to her mill in her seemingly fearless commitment to intellectual enquiry and interrogation of what was, for her, the Christian positivist undergirding of the common law.

Conclusion

In 1957, the Medico-Legal Journal celebrated the election of Dr Letitia Fairfield as its President – the second female to occupy the Chair¹²⁵ – with a striking frontispiece photograph and some slightly freighted words of welcome:

The Society has had the good fortune of having its affairs directed in the past by a lady of great charm and ability and it is therefore with the maximum of pleasure that we welcome to the Presidential Chair a lady well known to us all for her activities. Dr Letitia Fairfield is a familiar figure at our meetings and on the Council. We look forward to a first-rate session of exposition and discussion with her in the Chair.¹²⁶

It is telling that such a lukewarm (and patronising) endorsement should be penned as Fairfield was stepping down from her own performance of the editorial role from 1946-57. Fairfield’s highly active contribution to the Medico-Legal Society from the end of the Second World War onwards, as she entered her seventh decade and retired from her LCC responsibilities, demonstrated her lifelong fascination and enduring efforts to explore the intersections of medicine and law. Yet as early as 1928, she had produced a path-breaking pamphlet for the Medical Women’s Federation on the legal responsibilities of medical practitioners including professional secrecy, expert evidence and post-mortems.¹²⁷ As this article has illuminated, while Fairfield did not

formally pursue a career as a barrister, her legal training, her powers of oratory, and her intellectual engagement with jurisprudence were constant commitments throughout her many areas of endeavour. Her incisive legal mind and the prestige that admission to the bar provided were formidable weapons in her stellar career in public health and invaluable tools in her activist arsenal. It is clear that she continued to ‘haunt’ the Inns of Court in the decades following her admission – living in London’s legal quarter throughout the interwar years, networking and dining with Middle Temple acquaintances and clearly relishing the reinforced status the bar provided within London’s intellectual and political establishment.

Yet it is equally apparent that Fairfield viewed her role within the legal profession as another element in her identity and activism as a Christian citizen, and for that matter a faithful Catholic. While her longstanding confident and co-religionist Richard O’Sullivan would establish the Thomas More Society in his efforts to explore the nexus between law, Christian values and the place of Catholicism in post-Reformation Britain,¹²⁸ Fairfield harnessed similar beliefs to her medico-legal administration and writings on ethics and evidentiary procedure. Her indomitable commitment to ‘many causes’ might perhaps be consolidated under a banner of her own fashioning, welding as she put it the ‘machinery of justice’ to the service of ‘Truth’.¹²⁹

This unwavering orientation is nowhere better illuminated than in her inaugural Presidential address as Chair of the Medico-Legal Society. Under the curious title ‘The Problem of Confessions’, Fairfield explored the laws of evidence and issues such as torture, partial confessions and capacity, alongside references to the Talmud, the sacrament of confession and witchcraft trials (spanning from Joan of Arc to McCarthyism). Such unlikely juxtapositions were not incompatible in her philosophy, where she paralleled the Confessional with the Courtroom:

The desire for confession is in fact one of the most profound instincts of the human heart, an essential means of reconciliation with God and one’s fellow man. The need may be satisfied by sacramental confession, but not always. A sense of guilt can sometimes only be assuaged by a surrender to the civil law and the acceptance of temporal punishment.¹³⁰

Yet Fairfield’s conjoining of earthly and divine justice was subject to an important, and overriding caveat, as:

the justice of a cause is no protection against the perpetration of appalling injustice if the principles of justice itself are forgotten ... the machinery of justice [is only served] ... if Truth herself, vigorous and inviolate, presides over the proceedings.¹³¹

Connecting the many battles of the day for which she would enter the public fray – suffrage, women’s war service, ethical public health provision, and administration of the criminal law – was Fairfield’s vocational medico-moral code and her overarching commitment to a politics of conscience. Law was an essential weapon in this armoury, and Fairfield’s presence amongst the very first cohort of women admitted to the bar is consistent with her lifelong struggle to countermand colleagues like Dr Finucane who might seek to limit her bold incursions into what was still a ‘man’s sphere in the world and life’.

Notes

¹ ‘Rebel with Many Causes’, *Irish Independent Times*, November 2, 1957, 7.

² ‘Obituary’, *British Medical Journal* 1, no. 6109 (1978): 372; ‘Obituary’, *The Lancet* 311, no. 8059 (1978): 342-3.

³ ‘Obituary’, *The Tablet*, February 11, 1978, 134.

⁴ ‘Obituary’, *The Universe*, February 10, 1978, 21.

⁵ ‘Obituary’, *The Times*, February 2, 1978, 16.

⁶ Renée Haynes, ‘Obituary’, *Journal of the Society for Psychical Research* 49 (1978): 753.

⁷ But see Patrick Polden, ‘Portia’s Progress: Women at the Bar in England, 1919-1939’, *International Journal of the Legal Profession* 12, no. 3 (2005): 293-338, 316.

⁸ M. A. Elston, ‘Fairfield, (Josephine) Letitia Denny (1885-1978)’, *Oxford Dictionary of National Biography [ODNB]* (Oxford University Press, 2004), <http://www.oxforddnb.com/abstract/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-54196?rskey=EYI8GT&result=1>.

⁹ Emily Garrett, ‘Josephine Letitia Denny Fairfield (1885-1978): Pushing the Boundaries of Medicine’, *Journal of Medical Biography* 22, no. 4 (2014): 233-41.

¹⁰ Julie Marie Strange, ‘In Full Possession of Her Powers: Rethinking Menopause in Early Twentieth-Century England and Scotland’, *Social History of Medicine* 25, no. 1 (2012): 685-700; Penney Lewis, ‘Legal Change on Contraceptive Sterilisation’, *Journal of Legal History* 32, no. 3 (2011): 295-317.

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- ¹¹ ‘Oral Evidence on the Suffragette and Suffragist Movements: Letitia Fairfield’, interview with Brian Harrison, December 31, 1976 (The Women’s Library (TWL), LSE, 8SUF/B/118) and Linda Walker, February 17, 1977 (TWL, LSE, 8SUF/B/126a).
- ¹² Elston, ‘Fairfield’, above n 8.
- ¹³ Carl Rollyson, *Rebecca West: A Life* (New York: Scribner, 1996), 22.
- ¹⁴ Garrett, ‘Pushing the Boundaries’, above n 9, 234.
- ¹⁵ Rebecca West, *Family Memories: An Autobiographical Journey*, ed. Faith Evans (London: Viking, 1987), 193-208.
- ¹⁶ Rollyson, *Rebecca West*, above n 13, 25.
- ¹⁷ Ibid., 315-6.
- ¹⁸ Rebecca West, *The Fountain Overflows* (London: Macmillan, 1956). For more sequels, see: West, ‘The Saga of the Century’ trilogy (New York: Open Road Media, 2010).
- ¹⁹ Rebecca West, ‘The Salt of the Earth’ and ‘Life Sentence’ in *The Harsh Voice* (London: Jonathan Cape, 1935). Fairfield provided imaginative inspiration for the petty tyrant Alice Pemberton.
- ²⁰ Rollyson, *Rebecca West*, above n 13, 28. For the original letter of bequest, see Nanie Fairfield to Letitia Fairfield (March 13, 1902, Wellcome Collection (WC), GC/193/A/3).
- ²¹ Victoria Glendinning, *Rebecca West: A Life* (London: Weidenfeld and Nicolson, 1987), 28-9.
- ²² Garrett, ‘Pushing the Boundaries’, above n 9, 235. For full details, see Fairfield’s CV in 1909, available at WC GC/193/A/7/1.
- ²³ Thomas Neville Bonner, *To the Ends of the Earth: Women’s Search for Education in Medicine* (Harvard: Harvard University Press, 1992), 120-37; Peter W. J. Bartrip, *Themselves Writ Large: the British Medical Association 1832-1966* (London: BMJ, 1996), 46-54.
- ²⁴ J. F. Geddes, ‘The Doctor’s Dilemma: Medical Women and the British Suffrage Movement’, *Women’s History Review* 18, no. 2 (2009): 203-18. On the involvement of all three Fairfield sisters with the WSPU and writing for *The Freewoman*, see: Rollyson, *Rebecca West*, above n 13, 34-9.
- ²⁵ For comparisons between medicine, the church and the bar as preserves of masculinity and misogyny see: Ren Pepitone, ‘Gender, Space, and Ritual: Women Barristers, the Inns of Court, and the Interwar Press’, *Journal of Women’s History* 28, no. 1 (2016): 61-2.
- ²⁶ Her OBE certificate is within her personal papers in the Wellcome Collection (WC GC/193/A/9).
- ²⁷ Admission Papers, Middle Temple (MT). 3/AHC/28. Her admission form was processed on January 13, 1920.
- ²⁸ MT.3/APA/9.
- ²⁹ MT.3/CPA/28 (3/4). On McCardie, see: Antony Lentin, *Mr Justice McCardie (1869-1933): Rebel, Reformer and Rogue Judge* (Newcastle-upon-Tyne: Cambridge Scholars, 2016).
- ³⁰ Fairfield’s bar exam results, alongside others within the first cohort, were published in the feminist press, see: *Common Cause*, January 19, 1923, 399.
- ³¹ Garrett, ‘Pushing the Boundaries’, above n 9, 239.
- ³² ‘Coroner’s Court Witness; A “Moral Defective”’, *Gloucester Citizen*, January 20, 1928, 3.
- ³³ Letitia Fairfield, ‘Women Mental Defectives and Crime: A Practical Study’, *Transactions of the Medico-Legal Society* XXV (1931): 1-24, 3, 19.

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- ³⁴ ‘Bar Examination’, *The Times*, June 2, 1920, 5.
- ³⁵ ‘Bar Examination’, *The Times*, January 13, 1922, 5. Real Property and Conveyancing were obviously not her strong suit though: Class III attainment, reported in ‘Prospective Women Barristers’, *Common Cause*, May 5, 1922, 106.
- ³⁶ MT.3/CPA/28 (4/4).
- ³⁷ Examinations performance records 1861-1957 (Council of Legal Education Archive (CLE), A.CLE 11/11 M1920-M1922 no 11, folio 24, IALS Archives, Institute of Advanced Legal Studies).
- ³⁸ Her certificate held in her Wellcome Collection papers (WC GC/193/A/7/4).
- ³⁹ ‘Lord Carson and New Women Lawyers, Middle Temple Ceremony, Lady Doctor Among the “Called”’, *Larne Times*, February 3, 1923, 3.
- ⁴⁰ Mary Jane Mossman, ‘Precedents, Patterns, Puzzles: Feminist Reflections on the First Women Lawyers’, *Laws*, 5, no. 4 (2016): 1-17.
- ⁴¹ For West’s interpretation of their friendship, see: Glendinning, *Rebecca West*, above n 21, 78, 193. Fairfield and O’Sullivan collaborated together, for example, in the Sword of the Spirit initiative during World War Two.
- ⁴² Rollyson, *Rebecca West*, above n 13, 80; Lorna Gibb, *West’s World: The Extraordinary Life of Dame Rebecca West* (London: Pan Books, 2014), 77.
- ⁴³ Rebecca West, *The Only Poet and Other Short Stories*, ed. Antonia Trill (London: Virago, 1992), 253-81. Her conversion was dramatised (and fictionalised) by Rebecca West, in the character of Gerda within her ‘Short Life of a Saint’.
- ⁴⁴ Helen Glew, *Gender, Rhetoric and Regulation: Women’s Work in the Civil Service and the London County Council, 1900–55* (Manchester: Manchester University Press, 2016). Fairfield was also public engaged in debate on these issues. For more on her contribution to this debate, see: Gray’s Inn Debating Society, ‘Employment of Married Women’, *The Times*, November 23, 1933, 17.
- ⁴⁵ ‘Catholic Profiles: 16’, *Catholic Herald*, August 15, 1947, 4.
- ⁴⁶ Letitia Fairfield, *Women and Lay Ministries: A Memorandum* (London: League of the Church Militant, 1920); Brian Heeney, ‘Women’s Struggle for Professional Work and Status in the Church of England, 1900-1930’, *Historical Journal* 26, no. 2 (1983): 329-47, 343.
- ⁴⁷ Garrett, ‘Pushing the Boundaries’, above n 9, 239.
- ⁴⁸ ‘Why I become a Catholic’, *Catholic Herald*, June 28, 1946, 7.
- ⁴⁹ *Ibid.*
- ⁵⁰ *Ibid.*
- ⁵¹ *Natural Law*, ed. Robert P. George (Aldershot: Ashgate, 2003); *Natural Law*, ed. John Mitchell Finnis (Aldershot: Dartmouth, 1991).
- ⁵² TWL, 8SUF/B/126a.
- ⁵³ Letter from Howard Roberts to Letitia Fairfield, ‘Retirement from the London County Council’ (November 11, 1948, London Metropolitan Archives, LMA PH/GEN/3/28).
- ⁵⁴ ‘Birth control. Memorandum 153/MCV. Ministry of Health’, July 1930. On the ways in which Catholic Medical Officers should respond to these new directives, see: Editorial, ‘The Government

Attitude on Birth Control', *Catholic Medical Guardian* 8, no. 4 (1930): 154-5 (co-authored by Fairfield).

⁵⁵ Letitia Fairfield, 'The State and Birth Control', in *Medical Views on Birth Control*, ed. James Marchant (London: Martin Hopkins, 1926), 104-31; Letitia Fairfield, *Catholics and the Public Medical Services* (Oxford: Catholic Social Guild, 1930).

⁵⁶ Margaret Sanger, 'The Need for Birth Control', *Time and Tide*, June 8, 1928, 553-4.

⁵⁷ Ibid.

⁵⁸ Rollyson, *Rebecca West*, above n 13, 75, 83-4. In contextualising Fairfield's sparring with Sanger, and in a newspaper for which her sister Rebecca West also wrote, it is pertinent that the American birth control reformer became involved with H. G. Wells not long after his affair with West ended.

⁵⁹ Letitia Fairfield, 'The Need for Birth-Controller Control', *Time and Tide*, June 8, 1928, 554-5.

⁶⁰ Letitia Fairfield, 'Social Medicine', *New Blackfriars* 38, no. 450 (1957): 374-7.

⁶¹ Fairfield, 'The State and Birth Control', above n 55, 130.

⁶² Letitia Fairfield, *Epilepsy: Grand Mal, Petit Mal, Convulsions* (London: Gerald Duckworth and Co, 1954).

⁶³ John Macnicol, 'The Voluntary Sterilization Campaign in Britain, 1918-39', *Journal of the History of Sexuality* 2, no. 3 (1992): 422-38; Bradley W. Hart and Richard Carr, 'Sterilization and the British Conservative Party: Rethinking the Failure of the Eugenics Society's Political Strategy in the Nineteen-Thirties', *Historical Research* 88, no. 242 (2014): 716-39.

⁶⁴ Letitia Fairfield, *The Case Against Sterilisation* (London: Catholic Truth Society, 1934), 16-7; Fairfield, *Catholics and the German Law of Sterilisation* (London: Burns and Oates, 1938).

⁶⁵ Letitia Fairfield, 'Birth Control: Arguments Against.' In *The Family Book: A Comprehensive Guide to Family Life before Marriage to the Adolescence of Children*, ed. Gwen St Aubyn (London: Arthur Barker, 1935), 89.

⁶⁶ Ibid.

⁶⁷ Fairfield, *Catholics and the Public Medical Services*, above n 55.

⁶⁸ Letter from Griffin to Graham Graham-Green (July 19, 1946, Archives of the Archdiocese of Westminster (AAW) GR2/57 1946). This could lead to tensions. Griffin stated, 'In confidence, I think you would be unwise in inviting [her] to be a member of the [Catholic Marriage Advisory] Council. I do not want to say anything further in a letter'. This doubtless turned on her changed stance on the licit nature of birth control.

⁶⁹ For a sustained discussion of the evolution of her position on birth control and that of other Catholic medical practitioners, see: Alana Harris, 'Reframing the "Laws of Life": Catholic Doctors, Natural Law and the Evolution of Catholic Sexology in Interwar Britain', *Contemporary British History* (forthcoming, 2020).

⁷⁰ Letter from Alison Macleod to Dale Spender (May 7, 1968, Wellcome Collection, GC/193/A.20 A. Selford Others 1980s).

⁷¹ Letter from Letitia Fairfield to Cardinal John Heenan (1 August 1968, AAW HE1/C20(D)).

⁷² Letitia Fairfield, 'Medical Law in the Field of Collective Medicine' (speech notes, Holland Congress, LMA PH/GEN/3/27, 1956).

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- ⁷³ Letitia Fairfield, 'Oral Evidence on the Suffragette and Suffragist Movements', above n 11.
- ⁷⁴ Thomas Good, 'Nature versus Law', *Transactions of the Medico-Legal Society* XVI (1921-2): 49.
- ⁷⁵ Emanuel Miller, 'Individual and Social Interpretations in the Study of the Psychological Disorders of Childhood', *Transactions of the Medico-Legal Society* XXVI (1931-2): 30-59.
- ⁷⁶ Nathan Raw, 'The Coroner's Verdict in the Case of Suicide', *Transactions of the Medico-Legal Society* XXV (1930-1): 72-3; Dennis H. Geffen, 'The Causes of Suicide', *Transactions of the Medico-Legal Society* XXVI (1931-2): 22-4. Fairfield cited God and Shakespeare to argue for better medical and social care provision.
- ⁷⁷ Frances Temple Grey, 'The Medico-Legal Expert in France', *Transactions of the Medico-Legal Society* XXIII (1928-9): 175-7. In addition to this article, there was also an interesting discussion on the need for a Medico-Legal Institute in London.
- ⁷⁸ L. A. Parry, 'Abortion: Some Medical, Legal and Sociological Points', *Transactions of the Medico-Legal Society* XXVI (1931-2): 124-8. Dr F. J. McCann was President of the (Catholic) Guild of Luke, an international association for Catholic doctors, of which Fairfield was also an active member.
- ⁷⁹ *Ibid.*, 132.
- ⁸⁰ *Ibid.*, 130.
- ⁸¹ In a similar vein, see: A. J. Schulte 'The Rights of the Unborn Child', *Catholic Medical Guardian* VII, no. 1 (1929): 11-22; P. W. O'Gorman, 'The Ethics of Medical Foeticide', *Catholic Medical Guardian* VII, no. 3 (1929): 69-75.
- ⁸² Parry, 'Abortion', above n 78, 131. Her position on this issue remained unchanged. For more details, see: Letitia Fairfield, 'Termination of Pregnancy Bill, Correspondence', *British Medical Journal* 1 (1967): 173.
- ⁸³ Letitia Fairfield, 'Maternal Deaths in the Council Hospitals, Report, Public Health Department', 1934, 88, LMA PH/GEN/3/6; 'Maternal Deaths in L.C.C. Hospitals', *The Times*, January 28, 1938, 8.
- ⁸⁴ Letitia Fairfield, 'Some Psychological Aspects of the Physiological Crisis in Women', *Transactions of the Medico-Legal Society* XXI (1926-7): 105-112.
- ⁸⁵ *Ibid.*, 105.
- ⁸⁶ *Ibid.*, 112.
- ⁸⁷ *Ibid.*, 110-1.
- ⁸⁸ *Ibid.*, 112.
- ⁸⁹ Florence Earengy, 'The Legal and Economic Status of Women', *Medico-Legal Journal* 18, no. 4 (1949): 140-155. Normanton and Fairfield often dove-tailed in their comments in discussion after papers given at Society meetings.
- ⁹⁰ 'MEMOIRS OF DR LETITIA FAIRFIELD' (dictated to Alison Macleod on October 21, 1976 and revised October 22, 1976', WC GC/193/A17).
- ⁹¹ David Mace, 'Marriage Breakdown and Divorce: Some Aspects of the Denning Report', *Medico-Legal Journal* 15, no. 3 (1947): 110-20.
- ⁹² Letitia Fairfield, 'Homosexuality in Women', *Medico-Legal Journal* 15, no. 1 (1947): 22-3. This includes the quotation from Normanton's comments.

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- ⁹³ Letitia and Cissy Fairfield, and Hutchins, *Downward Paths. An inquiry into the causes which contribute to the making of the prostitute. With a forward by A. Maude Royden* (London: G. Bell and Sons, 1916). This was initially an anonymous study.
- ⁹⁴ Claud Mullins, 'How Should the Sexual Offender be dealt with?', *Medico-Legal and Criminological Review* 2 (1934): 259-260. See also: Letitia Fairfield, 'Women Mental Defectives', above n 33, 11, 13. This includes her comments on female delinquency and (lesbian) homosexuality.
- ⁹⁵ Emma Vickers, 'Infantile Desires and Perverted Practices: Disciplining Lesbianism in the WAAF and the ATS during the Second World War', *Journal of Lesbian Studies* 13 (2009): 432-4.
- ⁹⁶ John Charsley Mackwood, 'II. Male Homosexuality', *Medico-Legal Journal* 15, no. 1 (1947), 11-23.
- ⁹⁷ Fairfield, 'Homosexuality in Women', above n 92, 18.
- ⁹⁸ *Ibid.*, 20.
- ⁹⁹ *Ibid.*, 18.
- ¹⁰⁰ Letter from R. Elwes to Cardinal Godfrey (23 September 1957, AAW Box ZZW). For a fuller discussion see: Alana Harris, "'Pope Norman", Griffin's Report and Roman Catholic reactions to homosexual law reform, 1954-1971' in *Same-Sex Love and Desire: New Approaches in History and Theology*, eds., Mark Chapman and Dominic Janes (Basingstoke: Palgrave Macmillan, 2018), 93-116.
- ¹⁰¹ Letitia Fairfield, 'The Reservations of Mr Adair', *The Tablet*, September 14, 1957, 4.
- ¹⁰² Richard Elwes, 'The Wolfenden Report', *The Tablet*, September 21, 1957, 18.
- ¹⁰³ *Ibid.*
- ¹⁰⁴ Letitia Fairfield, 'The Wolfenden Report', *The Tablet*, September 28, 1957, 17.
- ¹⁰⁵ Richard Elwes, 'The Wolfenden Report' *The Tablet*, October 12, 1957, 19.
- ¹⁰⁶ Editorial, 'The Social Effects', *The Tablet*, December 14, 1957, 3.
- ¹⁰⁷ For a full discussion of Fairfield's work for so-called 'unfashionable' and 'unpopular victims of diseases and handicap', see: *The Tablet*, March 22, 1975, 289.
- ¹⁰⁸ Fairfield, 'Women Mental Defectives', above n 33, and commentary to Harwood Carlise; Fairfield, 'Alleged Manslaughter by Excessive Violence during Coitus', *Medico-Legal Journal* 15, no. 2 (1947): 74.
- ¹⁰⁹ Fairfield, 'Women Mental Defectives', above n 33, 4-5; Letitia Fairfield and T. M. Morton, *Child Guidance in America: Reports* (London: London County Council Education Committee, 1928).
- ¹¹⁰ Keith Simpson, 'Rex v John George Haigh', *Medico-Legal Journal* 18, no. 2 (1950): 46. See Fairfield's comments on the article.
- ¹¹¹ Lionel A. Weatherley, 'Yesterday and To-day in our Court of Law: A Half-Century's Experiences and Opinions of a Medical Witness', *Transactions of the Medico-Legal Society* XXIV (1929-30): 60-86.
- ¹¹² *M'Naghten's Case* [1843] All ER Rep 229.
- ¹¹³ Weatherley, 'Yesterday and To-day', above n 111, 85-6.
- ¹¹⁴ Travers Humphreys, 'Doctors and the Law', *Medico-Legal Review* 18, no. 4 (1950): 130. The article discusses the need to train doctors to be expert witnesses, and to provide a grounding in forensic medicine. See Fairfield's comments on it. Helena Normanton advanced similar comments.
- ¹¹⁵ Weatherley, 'Yesterday and To-day', above n 111, 85.

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- ¹¹⁶ Letitia Fairfield, 'The Straffen Case', *The Times*, September 4, 1952, 5.
- ¹¹⁷ *The Trial of John Thomas Straffen*, ed. Letitia Fairfield and Eric P. Fulbrook (London: William Hodge & Co, 1954).
- ¹¹⁸ *Ibid.*, 30.
- ¹¹⁹ *Ibid.*
- ¹²⁰ *Trial of Alfred Arthur Rouse*, ed. Helena Normanton (London: W. Hodge & Co, 1931).
- ¹²¹ *Trial of William Joyce*, ed. J. W. Hall (London: W. Hodge & Co, 1946); Rebecca West, *The Meaning of Treason* (London: Macmillan & Co, 1952). It is interesting that Fairfield's sister produced her own exploration of treason, drawing upon this case.
- ¹²² *The Trial of Peter Barnes and Others. The I.R.A. Coventry explosion of 1939*, ed. Letitia Fairfield (London: William Hodge & Co, 1953).
- ¹²³ 'Laetitia Fairfield', *The Tablet*, March 22, 1975, 289.
- ¹²⁴ Fairfield, *Trial of Peter Barnes*, above n 122, 1-8. It is also pertinent that her close friend, Richard O'Sullivan, was the prosecutor in the case. For more details, see: Obituary, *The Times*, February 20, 1963, 15.
- ¹²⁵ The first in 1949 was her friend and medical colleague, Dame Louise McIlroy, see: Susan J. Pitt, McIlroy, 'Dame (Anne) Louise (1878-1968)', *Oxford Dictionary of National Biography [ODNB]* (Oxford University Press, 2004), <https://www.oxforddnb.com/abstract/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-47540?rskey=tc0DG0&result=1>.
- ¹²⁶ 'Editorial', *Medico-Legal Journal* XXV, no. 4 (1957): 141. Papers within her Presidency (1957-59) strongly reflected her interests, including amnesia, the medical witness, an obituary for Marie Stopes, the current problem of prostitution, diminished responsibility, the press and the administration of justice and the development of forensic science. These were alongside newer areas of enquiry, such as 'Drugs and the Motorist', 'Ritual Murder' and 'Castration for Sexual Offenders'.
- ¹²⁷ 'Penelope's Notebook', *Aberdeen Press and Journal*, 16 May 1928, 6.
- ¹²⁸ *Under God and the Law. Papers read to the Thomas More Society of London*, ed. Richard O'Sullivan (Oxford: Basil Blackwell, 1949), vii-xxviii; O'Sullivan, *The Spirit of the Common Law: A Representative Collection of the papers of Richard O'Sullivan Q.C. K.S. G.*, B. A. Wortley, ed., (Tenbury Wells: Fowler Wright Books, 1965). These interests were also furthered through his lecturing at UCL and membership of the Catholic Social Guild. For more details, see: J. R. K. 'Mr Richard O'Sullivan', *The Times*, February 27, 1963, 15; Douglas Woodruff's biography in *Spirit of the Common Law*, 9-17.
- ¹²⁹ Letitia Fairfield, 'Presidential Address: The Problem of Confessions', *Medico-Legal Journal*, XXV no. 4 (1957): 142-8.
- ¹³⁰ *Ibid.*, 146.
- ¹³¹ *Ibid.*, 145, 148.

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Notes on contributor

Dr Alana Harris is a Senior Lecturer in Modern British History at King’s College London. She is the author of *Faith in the Family: A Lived Religious History of English Catholicism, 1945-1982* (Manchester: 2013), co-editor of *Love and Romance in Britain, 1918-1970* (Palgrave Macmillan: 2014, with Timothy W. Jones) and, most recently, editor of *The Schism of 68: Catholics, Contraception and Humanae Vitae in Europe, 1945-1975* (Palgrave Macmillan: 2018). She has published numerous articles on the intersections of gender, sexuality, devotional cultures and material religion, and has a longstanding interest in law and legal history – having undertaken her LLB(Hons) at the University of Melbourne and then practising as a solicitor, before moving into academia.